

MAY 13 1993

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

In re Applications of	)	MM DOCKET NO. 92-307
	)	
<b>SUNKISSED BROADCASTING, INC.</b>	)	File No. BPCT-910617KE
	)	
<b>BEACH TV PROPERTIES, INC.</b>	)	File No. BPCT-910815KE
	)	
For Construction Permit for a New	)	
Commercial Television Station on	)	
Channel 46 in	)	
Panama City Beach, Florida	)	

To: Administrative Law Judge  
 Joseph P. Gonzalez

**MASS MEDIA BUREAU'S COMMENTS IN SUPPORT OF  
 JOINT PETITION FOR APPROVAL OF SETTLEMENT AGREEMENT**

1. On May 3, 1993, Sunkissed Broadcasting, Inc. ("Sunkissed") and Beach TV Properties, Inc. ("Beach") filed a joint petition for approval of settlement agreement, grant of the application of Beach TV Properties, Inc. and dismissal of the application of Sunkissed Broadcasting, Inc. The Mass Media Bureau hereby submits the following comments in support.

2. The proposed settlement agreement contemplates the dismissal of Sunkissed's application in exchange for monetary consideration from Beach in the amount of \$36,500. Beach also will give Sunkissed prior notice of any decision to sell the Panama City Beach station so as to allow Sunkissed to submit an offer to acquire the station. Finally, Beach requests grant of a waiver of the reporting requirements contained in Section 73.1620(g) of the Commission's Rules.

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3. Review of the settlement agreement, including the declarations of the applicants' respective principals, shows that Sunkissed and Beach have complied with the requirements of Section 73.3525 of the Commission's Rules, which implements Section 311(c)(3) of the Communications Act of 1934, as amended. Sunkissed and Beach show that their applications were not filed for an improper purpose and that approval of the joint petition will serve the public interest. Moreover, Sunkissed has demonstrated that the amount it will receive does not exceed its legitimate and prudent expenses. See Settlement Agreements, 6 FCC Rcd 85 (1990), modified, 6 FCC Rcd 2901, 2902 (1991).

4. Beach requests a waiver of Section 73.1620(g) of the Commission's Rules. That section requires a new broadcast facility applicant that obtained a grant after designation for a comparative hearing as a result of a post designation settlement to report with its license application (FCC Form 302) and on the one year anniversary of the commencement of program tests information relating to the applicant's adherence to its integration proposal and active/passive ownership proposal. However, in Comparative Hearing Process, 6 FCC Rcd 3403 (1991), the Commission stated it would permit applicants to withdraw divestiture and integration proposals in conjunction with settlement agreements filed prior to the date established for the exchange of exhibits in the case. Here, the exchange date was set for May 12, 1993. See Prehearing Conference Order, FCC 93M-

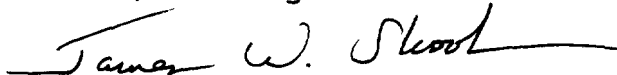
36, released January 26, 1993. Moreover, by Order, FCC 93M-130, released March 30, 1993, all procedural dates in this proceeding were suspended to allow for the submission of a settlement agreement. Accordingly, because Beach could have withdrawn its integration and divestiture proposals, there appears to be no reason to require the submission of the Section 73.1620(g) reports. Hence, the Bureau interposes no objection to a grant of Beach's waiver request.

5. Accordingly, the Bureau supports grant of the joint petition for approval of settlement agreement, dismissal of Sunkissed's application, grant of Beach's application, and grant of Beach's request for waiver of Section 73.1620(g) of the Commission's Rules.

Respectfully submitted,  
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May 13, 1993

**CERTIFICATE OF SERVICE**

Michelle C. Mebane, secretary of the Hearing Branch, Mass Media Bureau, certifies that she has on this 13th day of May, 1993, sent by regular United States mail, U.S. Government frank, copies of the foregoing "**Mass Media Bureau's Comments in Support of Joint Petition for Approval of Settlement Agreement**" to: